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5 UNITED STATES DISTRICT COURT  
6 WESTERN DISTRICT OF WASHINGTON  
7 AT TACOMA

8 CALVIN MALONE,

9 Plaintiff,

10 v.

11 MAGGIE MILLER-STOUT, et al.,

12 Defendants.

Case No. C08-5375BHS

ORDER OVERRULING  
PLAINTIFF'S OBJECTIONS AND  
ADOPTING REPORT AND  
RECOMMENDATION

13 This matter comes before the Court on the Report and Recommendation of the  
14 Honorable J. Kelley Arnold, United States Magistrate Judge (Dkt. 7) and Plaintiff's  
15 Objections to the Report and Recommendation (Dkt. 8).


16 On June 6, 2008, Plaintiff filed a motion to proceed in forma pauperis. Dkt. 1. On  
17 June 16, 2008, Judge Arnold granted Plaintiff's motion (Dkt. 3) and Plaintiff filed his civil  
18 rights complaint (Dkt. 4). On July 11, 2008, Plaintiff requested that his complaint be  
19 voluntarily dismissed. Dkt. 6. Judge Arnold recommended that the complaint be dismissed  
20 and that Plaintiff be held responsible for repayment of the entire \$350 filing fee. Dkt. 7. On  
21 August 4, 2008, Plaintiff objected to that recommendation and requested that the Court set  
22 aside the \$290 remaining balance of the filing fee. Dkt. 8.

23 28 U.S.C. § 1915(b)(1) provides that "if a prisoner brings a civil action or files an  
24 appeal in forma pauperis, the prisoner shall be required to pay the full amount of a filing  
25 fee." Plaintiff provides no authority to the contrary.  
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Therefore, the Court having considered the Report and Recommendation, Plaintiff's objections, and the remaining record, does hereby find and order:

- (1) The Court **OVERRULES** Plaintiff's Objections;
- (2) The Court adopts the Report and Recommendation; and
- (3) This action is **DISMISSED** and Plaintiff must pay the entire filing fee for this action.

DATED this 2<sup>nd</sup> day of September, 2008.

  
BENJAMIN H. SETTLE  
United States District Judge